

**THE HONORABLE BRIAN D. LYNCH
CHAPTER 13**

HEARING DATE: July 17, 2019

HEARING TIME: 1:30 P.M.

LOCATION: Tacoma, Washington

RESPONSE DATE: July 10, 2019

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

JENNIFER ANNE WOOLERY and
JERRY AUTHUR NEWMAN JR,

Debtors.

Case No.: 19-41499-BDL

OBJECTION TO CONFIRMATION WITH
STRICT COMPLIANCE

COMES NOW, Michael G. Malaier, Chapter 13 Standing Trustee, and objects to
confirmation as follows:

BACKGROUND

Debtors filed this Chapter 13 case on May 7, 2019. The applicable commitment period is sixty months. The case is currently in the second month and the Meeting of Creditors has been completed. The bar date for filing non-governmental claims is July 16, 2019. Scheduled unsecured claims total \$142,150.18, and scheduled priority claims total \$3,400.00. Debtors propose to pay at least \$42,087.00 to allowed nonpriority unsecured claims.

OBJECTION TO CONFIRMATION

OBJECTION

- ☒ Plan does not meet the best interests of creditors test as required by 11 U.S.C. § 1325(a)(4):

Per Debtors' Statement of Financial Affairs, Debtors made payments totaling \$7,200.00 to insiders within one year prior to filing this case. Trustee has requested that Debtors' plan be amended to provide for that amount as part of their liquidation value. An amended plan has been filed that includes language in Section X that \$7,200.00 will be paid to unsecured creditors on account of the preference, but for clarity, the language should indicate that \$7,200.00 constitutes the liquidation value of Debtors' plan. In addition, Trustee requests that Lori and Dan Woolery execute a tolling agreement. A tolling agreement will be provide to Debtors' counsel upon request to satisfy this requirement if the insiders are willing to sign. Alternatively, Trustee may commence an adversary proceeding.

WHEREFORE, Trustee requests that the objection to confirmation be sustained and debtors be ordered to file a motion to confirm a plan resolving the issues raised herein within 14 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the hearing on the next available motion calendar after the 14 days expires. If the Motion to Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

DATED this 1st day of July, 2019.

/s/ Mathew S. LaCroix

Mathew S. LaCroix, WSBA# 41847 for
Michael G. Malaier, Chapter 13 Trustee